

EVALUATOR MANUAL TRANSMITTAL SHEET

<u>Distribution:</u>	<u>Transmittal No.</u> 00APX-03
<input type="checkbox"/> All Day Care Evaluator Manual Holders <input type="checkbox"/> All Residential Care Evaluator Manual Holders <input checked="" type="checkbox"/> All Evaluator Manual Holders	<u>Date issued.</u> October 2000

Subject:

Memorandum of Understanding between the California Department of Social Services, Community Care Licensing Division and the Department of Aging, Office of the State Long-Term Care Ombudsman.

Reason For Change:

The Memorandum of Understanding is updated and revised. The agreement is effective through February, 2003.

Filing Instructions:

- ☒ REMOVE - 97APX-07 dated November, 1997 located behind Tab E in the Appendix Section.
- ☒ INSERT - revised Memorandum of Understanding behind Tab E.

Approved:

Carole Jacobi
CAROLE JACOBI, Chief
Policy Development Bureau

October 17, 2000
Date

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Phone Number: (916) 324-4170

COMMUNICATIONS AGREEMENT

Between

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
Community Care Licensing

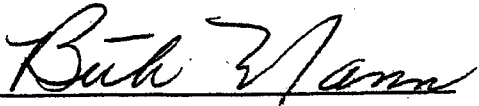
and

CALIFORNIA DEPARTMENT OF AGING
Office of the State Long-Term Care Ombudsman

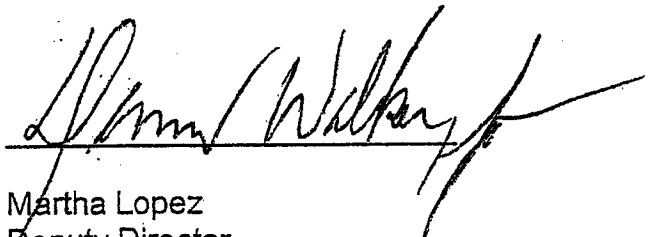
For

Coordination of Services to
Residential Care Facilities for the Elderly

Effective February, 2000 through February, 2003



Beth Mann
State Long-Term Care Ombudsman
Long-Term Care Ombudsman Program
California Department of Aging



Martha Lopez
Deputy Director
Community Care Licensing Division
California Department of Social Services

BACKGROUND/PURPOSE OF CCLD AND OSLTCO PROGRAMS

COMMUNITY CARE LICENSING DIVISION	THE OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN
Health and Safety Code 1569.0 and Title 22 Regulations mandate that the Community Care Licensing Division (CCLD) is a regulatory enforcement program which licenses Residential Care Facilities for the Elderly (RCFE) and enforces minimum standards.	The Long-Term Care Ombudsman Program under Title III and Title VII, Chapter 2, Sections 711-721 of the Older Americans Act, is mandated to receive, investigate, and seek to resolve complaints made by or on behalf of residents in long-term care facilities.
In carrying out its regulatory enforcement program, CCLD establishes, monitors compliance with, and enforces regulations and investigates complaints. The regulations are designed to ensure the health, safety, care, supervision, legal and human rights of elderly persons who reside in RCFEs.	The State designates 35 Substate community-based organizations to provide Ombudsmen services through contracts with Area Agencies on Aging. The Office of State Long-Term Care Ombudsman (OSLTCO) provides policy direction, technical assistance and oversight to these local organizations.
While the interests and legal rights of those who wish to provide needed services are important considerations in administration of the licensing program, the major consideration is to ensure that RCFE licensees provide care and supervision which meet minimum licensing standards. To further explain the goals and mission of CCLD, a mission statement is enclosed and made part of this agreement (see page 4).	Under State law, Substate Ombudsmen programs are responsible for receiving and investigating reports of abuse alleged to have occurred in long-term care facilities. They also have responsibility for recruiting and training volunteers to visit facilities, informing the community on issues affecting long-term care residents and providing information to the general public on the conditions in local long-term care facilities. To further explain the goals and mission of OSLTCO, a mission statement is enclosed and made part of this agreement (see page 3).

STATE LONG-TERM CARE OMBUDSMAN MISSION AND GOAL STATEMENT

The Office's mission is to ensure dignity, quality of life and care for all residents in Long-Term Care facilities primarily serving the elderly by empowering residents and advocating on behalf of those unable to act for themselves.

To fulfill this mission and in accordance with the Federal Older Americans Act and State mandates, the OSLTCO will:

- Maintain an ongoing presence in nursing facilities and RCFEs;
- Identify, investigate, and seek to resolve complaints, including elder abuse, to the resident's satisfaction or expressed wishes;
- Identify the most vulnerable resident who is unable to express his/her wishes, investigate, and seek to resolve complaints, including elder abuse, made on his/her behalf;
- Represent the resident before governmental entities and seek administrative, legal, and other remedies;
- Monitor RCFE data;
- Cross-train Ombudsman and CCL staff at all levels;
- Provide information to public and private entities regarding resident issues and concerns.

**CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
COMMUNITY CARE LICENSING DIVISION
MISSION STATEMENT**

In this mission statement, CCLD describes its basic purpose, or fundamental role and responsibilities. The mission statement expresses CCLD's role in the larger out-of-home system:

To protect and promote the health, safety, and quality of life of each person in community care through the administration of an effective regulatory enforcement system that also includes:

- Promoting strategies to increase voluntary compliance;
- Providing technical assistance to and consulting with care providers;
- Working collaboratively with clients, their families, advocates, care providers, placement agencies, related programs and regulatory agencies, and others involved in community care;
- Training staff in all aspects of the licensing process;
- Educating the public about CCLD and community care options;
- Promoting continuous improvement and efficiency through the community care licensing system.

The following responsibilities confirm our agreement to coordinate services to RCFEs and share information between agencies:

I. COMMUNICATION RESPONSIBILITIES:

CCLD ADVOCACY AND POLICY BRANCH	OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN
1. Maintain communication by attending pre-scheduled meetings between representatives of the State Long-Term Care Ombudsman and the Deputy Director of CCLD on a quarterly basis or more frequently as needed.	1. Maintain communication by attending pre-scheduled meetings between representatives of the State Long-Term Care Ombudsman and the Deputy Director of CCLD on a quarterly basis or more frequently as needed.
2. Assign staff from CCLD to serve as a liaison to respond on a timely basis to requests for policy or program interpretations, program operations information, training information, and requests for data regarding State or local programs.	2. Assign staff from OSLTCO to serve as a liaison to respond on a timely basis to requests for policy or program interpretations, program operations information, training information and requests for data regarding State or local programs.
3. Provide to the OSLTCO, facility evaluation process updates, changes in procedures or operations at State or local level and any new information regarding the CCLD program. This information will be sent directly to the OSLTCO and the CCLD liaison at the OSLTCO.	3. Provide to the Deputy Director of CCLD, any changes in Ombudsman laws, regulations, policies or procedures regarding the OSLTCO Program. This information will be sent directly to the Deputy Director of the CCLD and the CCLD liaison.
4. Provide to OSLTCO, on a regular basis, copies of all changes in laws, regulations, and procedures that impact OSLTCO.	4. Provide to CCLD, on a regular basis, copies of all changes in laws, regulations, and procedures that impact CCLD.
5. Establish procedures for handling complaints regarding Local Ombudsman or District Office personnel.	5. Establish procedures for handling complaints regarding Local Ombudsman or District Office personnel.

6. Establish procedures for dealing with situations that were not handled successfully at the local level and which require additional intervention for resolution. This may include policy interpretations that result in the contact of the Department of Aging, Ombudsman program Analyst.	6. Establish procedures for dealing with situations that were not handled successfully at the local level and which require additional intervention for resolution. This may include policy interpretations that result in the contact of the CCLD Central Operations Branch.
7. Establish procedures to handle an emergency situation in which a decision at the CCLD Deputy Director level is needed.	7. Establish procedures to handle an emergency situation in which a decision at the State Long-Term Care Ombudsman level is needed.
8. Exchange information regarding relevant training opportunities available to OSLTCO or Local Ombudsman staff.	8. Exchange information regarding relevant training opportunities available to CCLD Central Operation's Branch or district office staff.
9. Involve Ombudsman staff as trainers when relevant training is being offered.	9. Involve CCLD staff as trainers when relevant training is being offered.

I. COMMUNICATION RESPONSIBILITIES (CONTINUED):

CCLD REGIONAL OFFICE	LOCAL OMBUDSMAN PROGRAM
1. Establish procedures for dealing with situations that were not handled successfully at the local level that requires additional intervention for resolution. This may include policy interpretations from the Department of Aging, Ombudsman Program Analyst.	1. Contact the CCLD Regional Office when issues have not been satisfactorily resolved at the local district office.
CCLD DISTRICT OFFICE	LOCAL OMBUDSMAN PROGRAM
1. Notify the Local Ombudsman Program about issuance or denials of new licenses for RCFEs on a monthly basis. In addition, notify the Local Ombudsman about forfeitures, final judgments, and revocations of existing licenses.	1. Notify the CCLD District Office Manager when an alleged unlicensed RCFE is continuing operation after a denial of an application, revocation or suspension of a license.
2. Contact the Local Ombudsman for interpretations of the statutes, regulation and procedures governing the Ombudsman Program. If further clarification is needed, then the district may want to contact the Regional Office. The Regional Office will seek clarification from the Department of Aging, Ombudsman Program Consultant.	2. Contact the CCLD District Office Manager or staff for interpretations of the statutes, regulations and procedures governing the CCLD program.
3. Exchange information regarding relevant training opportunities.	3. Exchange information regarding relevant training opportunities.
4. Allow Local Ombudsman to participate in training in district offices on at least an annual basis.	4. Allow CCLD to participate in ombudsman training on at least an annual basis.
5. Respond on a timely basis to data requests from the OSLTCO	5. Respond on a timely basis to data requests from CCLD.
6. Provide the Local Ombudsman Program with legible copies of all Licensing Reports (LIC 809) for RCFEs in a timely manner.	

II. COMPLAINT REPORTING

CCLD DISTRICT OFFICE	LOCAL OMBUDSMAN PROGRAM
1. Give priority to serious complaints referred by the Local Ombudsman Program (reported on CDA 223) recognizing that other complaints alleging an immediate threat to the resident's health and safety may be given first priority.	1. Ensure that the District Office is notified of complaints alleging immediate threat to resident health and safety or serious violations of regulations of law. The Ombudsman Coordinator should make these complaints within the next working day.
2. When there is a substantiated complaint, provide the Local Ombudsman with the Complaint Investigation Report form (LIC 9099) and the corresponding complaint number after evaluation of all evidence.	2. All complaints referred to the CCLD District Office should be on the appropriate form (CDA 223). Serious complaints that involve abuse and/or neglect can be reported by phone. However, the complaint should be followed up by a written report on the appropriate form (CDA 223). The name of the victim and witnesses may be confidential.
3. Consider a signed Declaration (LIC 855) from a Local Ombudsman as a piece of evidence in evaluating an allegation. However, decisions on substantiation of an allegation can be made only upon evaluation of all evidence.	3. Submit signed Declarations (LIC 855) regarding knowledge of violations where appropriate and agree to serve as a witness as needed. Share all non-confidential relevant reports and complaint information with District Offices to assist their investigation.
4. Keep the Ombudsman up-to-date during the investigation process.	4. The Local Ombudsman will continue to monitor care and respond to residents' needs during the complaint process.
5. Meet with a State- or county-employed ombudsman to discuss findings of inconclusive or unfounded complaints filed by his or her office, upon the request of the ombudsman.	5. The Local Ombudsman will attempt to resolve all other complaints involving violations of regulations. If a resolution cannot be achieved, a referral to the CCLD District Office will be made.

III. PROCESSING OF TEMPORARY SUSPENSION ORDERS (TSO):

CCLD DISTRICT OFFICE	LOCAL OMBUDSMAN PROGRAM
1. Inform the OSLTCO within 24 hours of serving a TSO to a licensed RCFE. The District Office staff should call the toll free line at (800) 231-4024 and leave detailed information about the TSO.	1. Maintain the confidentiality of the information shared regarding the prospective TSO until information is released by the District Office Manager. Contact the CCLD District Office and share any additional information available pertaining to the TSO.
2. Inform the Local Ombudsman of a pending TSO. The CCLD district staff will consider and respond to any information from the Ombudsman about the TSO.	2. Cooperate with the District Office to minimize the transfer trauma of residents. In addition, be on-site when a TSO is being served to assist with communications between the residents, licensee and other agencies involved.
3. Invite the Long Term Care Ombudsman in the development of the Facility Closure Plan.	3. Provide input to CCLD for the development of the Facility Closure Plan.
4. CCLD District Office staff will coordinate all agencies during a TSO.	4. Work in cooperation with the CCLD District Office during their supervision of a TSO.
5. When meetings are held with residents during a TSO, CCLD District Office should participate in meetings with the Ombudsman and resident to discuss and resolve any problems during a TSO.	4. Participate in meetings with CCLD, residents and the residents' families to discuss any problems encountered during or after the TSO.
6. Report sensitive issues that may result in media contact to the State Long-Term Care Ombudsman.	6. Report sensitive issues that may result in media contact to the CCLD district office.

IV. JOINT RESPONSIBILITIES OF CCLD AND THE STATE LONG-TERM CARE OMBUDSMAN

1. Maintain communication by convening meetings between the State Long-Term Care Ombudsman and the Deputy Director of CCLD on a quarterly basis or more frequently as needed.
2. Maintain communication by convening pre-scheduled meetings between the Local Ombudsman Coordinators and the District Office Manager quarterly or more frequently as needed.
3. Provide up-to-date contact lists for each department (see Attachment 1 & 2).
4. Establish protocols for dealing with any situation that were not successfully resolved at the local level and require additional intervention for resolution when needed.
5. Exchange information regarding training opportunities. When relevant training is being provided to CCLD staff or Ombudsman staff, invite the other staff to attend as trainees and involve the CCLD and Ombudsman staff as trainers when appropriate.
6. Encourage and, when appropriate, approve and facilitate the participating of joint visits with Local Ombudsman and District Office personnel.
7. Exchange data collection information on number of facilities, number of beds available and other relevant statistical data that may be useful to departments. This information should be provided yearly or upon request.